

Despite Obstacles, Colombia's Ethnic Minorities Integrate Themselves into Peace Accord

by GIMENA SÁNCHEZ-GARZOLI | Washington Office on Latin America (WOLA) | gsanchez@wola.org
and MARINO CORDOBA | Afro-Colombian Peace Council (CONPA) and Association for Internally Displaced Afro-Colombians (AFRODES) | cordoba.afrodes@gmail.com

Silva, Natalia

2016 “Enfoque de género: ¿Al final que quedó en el nuevo acuerdo?” *Revista Semana* (Bogotá), 27 de noviembre de 2016. <http://www.semana.com/nacion/articulo/la-formula-del-nuevo-acuerdo-para-el-enfoque-de-genero/507070>.

Sisma Mujer y Red Nacional de Mujeres

2016 *Género y acuerdo. Medidas: Mujeres y LGBTI*. Bogotá: Documento de trabajo.

When the peace dialogues began between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC) to end the 52-year-old internal armed conflict, Afro-Colombians and indigenous peoples were not part of the agenda. While the points being negotiated by the parties included agrarian reform, political participation, victims, drugs, and verification/implementation of the agreement—all items that particularly affect ethnic minorities—the process did not integrate their leaders nor consider their constitutional rights. Realizing that they were being excluded, Afro-Colombian national and regional groups including territorial authorities, displaced people, women, youth, trade unionists, and religious sectors formed the Afro-Colombian Peace Council (CONPA) in 2014. A year later, CONPA joined forces with the major indigenous groupings the National Organization of Indigenous Persons (ONIC) and the Major Indigenous Council to speak with one voice as the Ethnic Commission for Peace and Defense of Territorial Rights. Obtaining the buy-in of both conflicting parties on this issue was an arduous task. After embarking on a national and international advocacy effort, ethnic minorities were not only heard but were guaranteed that their recommendations and rights would form part of the final peace accord.

Guaranteeing a sustainable peace requires incorporating into the process the communities that were hardest hit during the conflict and where tensions can rise to violence during the postconflict era. Precisely because indigenous and Afro-Colombian people make up a disproportionate number of the victims and displaced communities of the conflict, their voices and leadership are especially

essential for ensuring a just and lasting peace. However, the parties to the conflict did not immediately understand the importance of their inclusion in the process and rejected their offers of dialogue.

These ethnic minorities have a constitutional right to be previously consulted on matters affecting their land. In the areas where these minorities hold collective land titles, the parties to the conflict had a legal obligation to sit down with the ethnic-territorial authorities before finalizing the peace agreement. In addition to the legal, historical, moral, and reparative reasons to consult with these groups, there were practical realities that had to be taken into consideration. Because of the in-existent or weak state presence, the ongoing presence of illegal armed groups, corruption, and the geographical isolation of the ethnic minority areas, this is where consolidating peace will be hardest. Additionally, along the Pacific Coast and mountainous areas of Cauca, new conflicts are likely to arise in the postconflict period. Given that the risk to peace is highest where these communities are situated, it befitted the negotiating parties to fully integrate ethnic leaders to guarantee results. Bogotá's centralized; top-down approach to governance without real inclusion of the beneficiaries has failed in the past.

Since 2014, ethnic minorities organized under the umbrella of CONPA and ONIC have advocated for inclusion at the peace table. Both groupings had been advocating for inclusion separately up until that point. These organizations have stressed that despite the invitation to ethnic leaders to present their cases of victimization in Havana, an approach to constructing peace

based more on collective rights should be discussed with them.

Since their requests fell on deaf ears, ethnic minorities decided to include themselves. On March 8, these communities joined forces and launched an autonomous, nongovernmental ethnic commission on the peace process. They formed the Ethnic Commission for Peace and the Defense of Territorial Rights and through that developed a joint platform and advocacy effort to achieve their goal. The Ethnic Commission's efforts were twofold: to organize ethnic communities into a joint framework within Colombia, and to advocate at the national and international level to integrate this framework into the peace accord.

Autonomously, the ethnic groups organized regional meetings where they analyzed the pre-accords and constructed recommendations that made sure that their communities' rights would be strengthened by the transition from conflict to peace. In this effort, they concentrated on guaranteeing that collective rights of ethnic groups were prioritized over individual rights and that implementation mechanisms included the full participation of ethnic territorial authorities. Within this effort, the Ethnic Commission established its own Gender Commission tasked with making sure that a gender perspective was incorporated into the accord, with full recognition of Afro-Colombian and indigenous women's concerns and recommendations.

The Ethnic Commission proceeded to run a global campaign to get its opinions heard at the peace table. Its advocacy efforts, made in conjunction with WOLA, gained support from the Obama administration, the U.S. Congress, the United Nations High Commissioner for Human Rights Office,

the Coalition of Black Trade Unionists (CBTU), the U.S. Institute for Peace, and numerous civil society organizations.

From October 1 to 6, 2015, Congressman Hank Johnson (D-GA) led a delegation of members of the CBTU, organized by WOLA, to Colombia at the request of CONPA to examine compliance with the U.S.-Colombia Labor Action Plan and to encourage the Colombian government to include the voices and proposals of the Afro-Colombian community in the peace process. The delegation visited Cali, Quibdó, and Bogotá.

The CBTU then outlined its findings, conclusions, and recommendations in a report published October 23, 2015.¹ In sum, the report found "woefully poor enforcement" of labor and human rights laws throughout Colombia, leaving Afro-Colombians and other minorities vulnerable to exploitation and abuses at the hands of armed groups. The report recommended that the United States work with Colombia on the following fronts: (1) inclusion of proposals and voices of Afro-Colombian community in the peace process; (2) U.S. Secretary of Labor and United States Trade Representative (USTR) to take bold actions that guarantee that the U.S.-Colombia Labor Action Plan is fully implemented; and (3) work with Colombian counterparts to address the human rights, labor rights, collective land rights, and protection concerns affecting Afro-Colombian and indigenous communities. In particular, the report recommended that full implementation of the U.S. human rights conditions be guaranteed as a condition for Colombia's receipt of military aid. After the delegation's statement, members of the U.S. Congress and others took action to guarantee inclusion of ethnic minorities and others in the peace process. At the same time, within Colombia, the Ethnic

Commission continued to push for inclusion.

Finally, after much pressure, the parties agreed to hold formal discussions with Afro-descendant and indigenous representatives in Cuba on June 26–27. At this hearing the Ethnic Commission formally presented its recommendations and proposals regarding the six points of the peace agenda. The peace negotiating table met with indigenous and Afro-Colombian delegations for two days in separate working groups. This resulted in their recognizing and owning up to several important factors. First, the parties accepted that what had been agreed to in Cuba up to that date did not have an ethnic perspective and that it was necessary to work with ethnic leaders to ensure that their proposals were included in the final document. The parties admitted that ethnic groups, through CONPA and the Ethnic Commission, had repeatedly solicited, via written requests and third party intermediaries, the opportunity to participate in the dialogues to discuss their proposals and realities. The parties stated that in no case will the rights of the ethnic groups be affected by what is agreed upon in the final accord and much less so by the process of implementation.

Furthermore, the parties stated that it is impossible to create a lasting peace in Colombia, and especially a territorial peace, without the participation of ethnic groups, considering that they represent 30 percent of Colombia's population. The parties accepted that ethnic groups are among those most affected by the armed conflict and that there must be specialized mechanisms for reparations. Last, the parties saw the need to establish principles that permit a higher level of efficiency in the application of the accords within the ethnic populations and territories.

After the hearings, the Ethnic Commission held various unilateral follow-up meetings with the parties. On July 7–8, the FARC's peace delegation received the Ethnic Commission in Havana. A week later on July 14, the Colombian government's peace delegation received the Ethnic Commission in the Presidential Palace in Bogotá. These meetings led to multiple different agreements concerning inclusion of ethnic minorities in the peace process. On August 23, the Ethnic Commission was leaked information that the parties were planning to announce the final accord in Havana the next day.

This surprised the Ethnic Commission, since the agreed-to points concerning ethnic minorities had not been finalized. They employed an emergency advocacy campaign to guarantee that they would be involved in the agreement. On August 24, representatives of the Ethnic Commission were on a plane to Havana. That afternoon, they met with the parties' negotiators and consolidated in one hour the text of the "Ethnic Chapter" in the final peace accord.

This chapter includes principles applicable to the entire accord that guarantee that Afro-Colombians' and indigenous peoples' rights are safeguarded. This allows for a differentiated approach in implementing the agreement—encompassing rural land reform, victims' rights, illicit drugs, political participation, and implementation/verification of the accord—using a set of principles and safeguards that guarantee ethnic rights. It establishes a High-Level Ethnic Commission to help guide implementation in a manner that guarantees the participation of all groups in the process. Throughout the document the specific vulnerabilities and rights of Afro-Colombian and indigenous women and global antiracism agreements are

integrated in accordance with international norms including the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and Committee on the Elimination of Racial Discrimination (CERD).

This is a big win for ethnic rights because the right to prior, free, and informed consultation will be applied in the implementation of the accord. These groups will have access to the Land Fund, and the Territorial Focused Development Plans (PDET) will be designed jointly with ethnic authorities in their areas. The participation of ethnic authorities is guaranteed in the different aspects of the institutions set up to implement the agreement. The High-Level Ethnic Commission includes international participation tasked with monitoring, identifying, and contributing to effective implementation of ethnic rights in the post-accord era. The Ethnic Chapter, furthermore, recognizes that in addition to the conflict, ethnic groups have suffered due to colonialism, slavery, exclusion, and injustices. It also stipulates that these communities have specific individual and collective rights that are enshrined in international and national norms that Colombia has committed itself to uphold.

On September 26, representatives of the Ethnic Commission participated in the peace accord signing ceremony in Cartagena. Afro-Colombian and indigenous representatives then embarked on a frenzied campaign to educate their grassroots bases in Chocó, Valle del Cauca, Cauca, Bolívar, and Nariño about the final contents of the accord. However, the excitement brought on by the signing of the peace accord was cut short when on October 2 the peace plebiscite did not pass. Voters rejected the peace referendum by a narrow margin of less than 1 percent. This negative outcome can be

attributed to multiple factors: Hurricane Matthew; a high level of abstention; an effective campaign by peace opponents to manipulate, misinform, and mislead voters into voting NO; and overconfidence that the YES vote was a given.

Looking at a map of the votes, what is most evident is a tremendous difference of opinion between rural Colombians directly affected by the conflict and the mostly urban Colombians whose relationship with the war consists of viewing it on TV. Areas where conflict, violence, and displacement run rampant voted in favor of the peace accord, as did the majority of the zones where victims, indigenous peoples, and Afro-Colombians live. Afro-Colombians and indigenous became the strongest proponents of the peace accord.

The situation placed the peace process in limbo, generating much uncertainty. As President Santos's negotiating team met with proponents of NO to reach an agreement for moving forward, it was indigenous communities who led mass demonstrations in the capital of Bogotá in defense of the country's historic peace accord. At the same time, Afro-Colombian leaders garnered support from outside the country. They organized to tell the world that Colombia should not delay implementation of the agreed-upon accord. In the post-referendum debates, former president Álvaro Uribe Vélez, of the NO campaign, flatly stated on national television that "Colombia is not an African tribe but a country of institutions," when asked for his opinion regarding the Ethnic Chapter. In response, the Ethnic Commission redoubled its efforts to guarantee that the Ethnic Chapter did not get watered down by the parties, who are trying to appease the opponents of peace and calm the turmoil they generated. In the end, it prevailed and the revised accord

Coordinated by ROSALVA AÍDA HERNÁNDEZ CASTILLO

Dr. Rodolfo Stavenhagen (1932–2016), incansable defensor de los derechos humanos de los pueblos indígenas

por MARÍA TERESA SIERRA | CIESAS-México

signed in November kept ethnic rights intact.

While the Ethnic Chapter is a historic achievement for a sector of Colombian society that is often excluded and suffers acutely from the legacies of colonialism and slavery, it is only the entry point toward addressing the long-standing inequality and healing the wounds inflicted upon these communities by five decades of conflict. The next step is to guarantee that the High-Level Ethnic Commission is set up with adequate resources and proper representation of the Ethnic Commission and is fully funded to properly carry out its work. Monitoring, verification of the Ethnic Chapter's principles, and recommendations by the international community will be key to seeing results on the ground.

Notes

Gimena Sanchez-Garzoli is Senior Associate, Washington Office on Latin America (WOLA); Marino Cordoba is International Coordinator of the Afro-Colombian Peace Council (CONPA) and President of the Association for Internally Displaced Afro-Colombians (AFRODES). WOLA has accompanied and provided technical support to CONPA and the Ethnic Commission since their inception.

¹ "CBTU Afro-Colombian Accompaniment Mission to Colombia," October 23, 2015, www.wola.org/sites/default/files/CBTUColombiadelegationreport2015.pdf. ■

Rodolfo Stavenhagen, antropólogo y sociólogo mexicano, falleció el pasado 5 de noviembre en la ciudad de Cuernavaca, Morelos, después de una larga lucha por la vida. Le sobreviven su esposa, Elia, sus tres hijas, Marina, Andrea, Yara y su hijo Gabriel.

Rodolfo Stavenhagen nació en la ciudad de Frankfurt, Alemania. En 1940 su familia emigró a México cuando Rodolfo tenía ocho años, después de una travesía por distintos países en el contexto del nazismo. México fue su país por adopción. Sus estudios superiores los realizó primero en la Universidad de Chicago, la Licenciatura en Artes (1951), después estudió Antropología Social en la Escuela Nacional de Antropología e Historia (ENAH, 1958), y recibió el Doctorado en Sociología en la Universidad de París (1965). Fue parte de un grupo de jóvenes antropólogos, formados en la ENAH, que a fines de los 60s plantearon una crítica aguda al indigenismo oficial, al cuestionar la visión integracionista del indio y la contribución de la antropología mexicana a este proyecto. Desde sus primeras experiencias laborales en instituciones públicas, Rodolfo Stavenhagen cuestionó el discurso modernizador del Estado que en aras del progreso imponía proyectos de desarrollo que afectaban directamente a los indígenas, sin consultarlos ni beneficiarlos. Fue de los primeros en vincular el historial de exclusión social de los indígenas con las estructuras asimétricas de explotación y de opresión social fundamentales para comprender la discriminación y el racismo étnico y cultural de la sociedad mexicana; desde esta perspectiva desarrolló el concepto de colonialismo interno.

Rodolfo Stavenhagen tuvo la capacidad de combinar el trabajo en la academia con una importante labor en instituciones públicas nacionales e internacionales. Fue profesor

de El Colegio de México, donde fundó el Centro de Estudios Sociológicos y profesor distinguido en varias universidades, entre otras la Universidad de Stanford y la Universidad de Harvard, la Universidad Católica de Río de Janeiro y la Universidad de Ginebra en Suiza. Asimismo fue presidente de la Facultad Latinoamericana de Ciencias Sociales, integrante del Consejo Directivo de la CLACSO y de la Universidad de las Naciones Unidas. Se distinguió por su labor en puestos públicos en instituciones nacionales e internacionales, entre otras: Subdirector de la Unesco en París; Vicepresidente del Instituto Interamericano de Derechos Humanos; integrante del Foro Permanente de Pueblos indígenas de la Organización de Naciones Unidas (ONU). Asimismo, fue fundador de la Academia Mexicana de Derechos Humanos.

Su producción académica fue recogida en importantes libros y artículos que abrieron nuevas líneas de investigación y plantearon temas que continúan siendo de relevancia actual para las ciencias sociales, entre los que destacan: *Las clases sociales en las sociedades agrarias*; *Derecho indígena y derechos humanos en América Latina*; *Entre la ley y la costumbre*; *El derecho consuetudinario indígena en América Latina*; y *Conflictos étnicos y estado nacional*. El escrito que lo hizo famoso fue un texto publicado por primera vez en el periódico mexicano *El Día*: "Las siete tesis equivocadas sobre América Latina" (1965); crítica ahí las teorías del desarrollo modernizador aplicadas a América Latina. Sus planteamientos sobre el colonialismo interno desnudan los mecanismos excluyentes que sustentan la explotación de las comunidades indígenas y hoy en día iluminan los debates contemporáneos sobre la descolonización y el racismo en las sociedades contemporáneas.